

REMARKS

Formal drawings are submitted herewith under separate Letter to the Official Draftsperson. Approval by the Examiner of these drawings is respectfully requested.

Claims 1, 4, 9, and 12 were rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1, 2, and 5 of U.S. Patent No. 6,718,068 to Gindele. Applicants submit herewith a Terminal Disclaimer disclaiming any portion of a patent issuing on the present invention which would extend beyond the terms of U.S. Patent No. 6,718,068. The Terminal Disclaimer is believed to overcome this rejection.

Claims 2 and 5 have been amended to improve their form.

Claims 1, 2, 3, 4, 6, 9, 10, 12, and 14 were rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent 5,594,816 to Kaplan et al. Claims 1-6, 9-12, 14, 15, and 18-20 were rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent 6,718,068 to Gindele.

The independent claims 1, 4, and 9, and the dependent claim 14, have been amended to more clearly set forth the invention, as will be discussed below. It is believed the scope of these claims has not been changed by this amendment.

Claim 1 is believed to be representative of the independent claims in this case and has been amended to more clearly set forth the invention. Step c) calculates two or more noise free estimates for the pixel of interest using pixel values sampled in a local region about the pixel of interest. Step d) specifies selecting a final noise free pixel estimate for the pixel of interest by choosing only the noise free pixel estimate closest in value to the value of the pixel of interest. An important feature of this invention is that after multiple estimates are produced, only one of those estimates is chosen on the basis that it is closest in value to the value of the pixel of interest.

Turning first to Kaplan et al., in column 2, lines 42-27, the weighted sum of the least squares estimate for the targeted pixel or pixel of interest is provided by summing over all neighborhoods containing the targeted pixel. In other words, all of the pixel estimates from the multiple regions are used in this process. There is nothing in this patent that would suggest choosing only

the estimate closest to the value of the pixel of interest. There is no choosing process. It is believed that Kaplan et al. do not disclose or suggest this feature. Moreover, there is no motivation for this feature. Accordingly, it is believed that claim 1, and the other independent claims 4 and 9, define unobvious subject matter, and there is no motivation for the subject matter in Kaplan et al. Further, with respect to claim 4, in Kaplan et al., there is no calculation of a noise residual pixel value as in step e) of this claim. Since Kaplan et al. do not provide the selection of only the noise free pixel estimate closest in value to the pixel of interest, their method of calculating a noise characteristic is not based upon the same pixel value provided in the present invention. This feature is also believed to be unobvious. Finally, in claim 9, a residual noise pixel value is also calculated and a residual digital image is formed in step f). These steps are not disclosed or suggested in Kaplan et al. Kaplan et al. do not have any residual image.

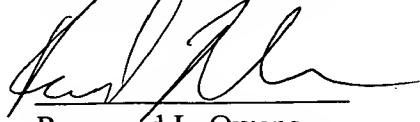
Gindele does indeed compute a final noise free pixel estimate, but the way it is done is significantly different. In Gindele, at least two sampled local regions of pixels, which include the pixel of interest, are used. A noise free estimate for each region is calculated, then a statistical weighting factor is used for each sampled region, and the noise free pixel estimates and the statistical weighting factors are then employed to estimate the noise free value of the pixel of interest. Thus, in Gindele, all of the noise free pixel estimates are used in the calculation of a final noise free pixel estimate. In the present invention, claim 1 and the other independent claims 4 and 9, have been amended to more clearly set forth that, after the estimates are produced, only the one closest in value to the pixel of interest is chosen. Thus, in the present invention, only one pixel estimate is used. There is no disclosure of this feature in Gindele, and so it should be removed as a reference under 35 U.S.C. § 102(e). The Terminal Disclaimer should overcome all rejections using the Gindele reference.

It is believed that these changes now make the claims clear and definite and, if there are any problems with these changes, Applicants' attorney would appreciate a telephone call.

In view of the foregoing, it is believed that Gindele is not a proper reference under 35 U.S.C. § 102(e) and Kaplan et al. do not disclose, suggest, or provide any motivation for the present invention. The independent claims in this

case are believed to define unobvious subject matter. The dependent claims should be allowed along with their corresponding base claims. Accordingly, this application is believed to be in condition for allowance, the notice of which is respectfully requested.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read 'Ray L. Owens', written over a horizontal line.

Raymond L. Owens
Attorney for Applicants
Registration No. 22,363

RLO:JMD

Telephone 585-477-4653

Facsimile 585-477-4646

Enclosures

If the Examiner is unable to reach the Applicant(s) Attorney at the telephone number provided, the Examiner is requested to communicate with Eastman Kodak Company Patent Operations at (585) 477-4656.